



TRICARE
MANAGEMENT
ACTIVITY

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS
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FALLS CHURCH, VIRGINIA 22041-3206

MAR 5 2003

MEMORANDUM FOR LEAD AGENTS

SUBJECT: Request To Appoint Lead Agent Health Insurance Portability and Accountability Act Privacy Officer

The Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, was enacted August 21, 1996. The purpose of the Act is to improve the portability and continuity of health insurance coverage, improve access to long term care services and coverage, and to simplify the administration of health care. A primary component of HIPAA administrative simplification provisions is the protection and privacy of individually identifiable health information. The Department of Health and Human Services HIPAA Privacy rule was signed in December 2000. Full compliance with the requirements of the HIPAA Privacy rule must be met by April 14, 2003. The Department of Defense (DoD) Health Information Privacy regulation, DoD 6025.LL-R describes how the Military Health System will implement the rule.

It is requested that a HIPAA Privacy Officer (PO) be appointed for each Lead Agent Office to assist managed care support contractors and serve as a resource to military and dental treatment facilities in the implementation of the DoD regulation. The PO will serve as the Lead Agent point of contact for HIPAA Privacy implementation in the region and receive training and guidance from the TRICARE Management Activity (TMA) HIPAA Office. The person selected as the Lead Agent PO must possess the requisite experience, knowledge and authority to develop, implement and monitor the privacy practices, policies and procedures throughout the region. Roles and responsibilities are described in the attachment to this memorandum.

Within two weeks of the date of this memorandum, please forward a copy of your appointment letters to CDR Sam Jenkins, TMA HIPAA Privacy Officer. CDR Jenkins may be reached at (703) 681-5611 ext. 6824, or by email at: Sam.Jenkins@tma.osd.mil.

Leonard M. Randolph, Jr.
Major General, USAF, MC
TRICARE Program Executive Officer

Attachment:

1. Lead Agent HIPAA Privacy Officer Roles and Responsibilities

cc:

CAPT Brian Kelly, TMA
CAPT Eleanor Valentin, TMA
CDR Sam Jenkins, TMA

HIPAA LEAD AGENT PRIVACY OFFICER ROLES AND RESPONSIBILITIES

Organizational Need/Function: The Privacy rule of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191, requires each covered entity, i.e., the TRICARE health plan and medical and dental treatment facilities, to appoint a HIPAA Privacy Officer (PO). While the Office of the Lead Agent is not itself a covered entity it is part of the Military Health System's (MHS) organized health care arrangement and thus plays an important role in assuring MHS compliance with federal and state regulations. Each Lead Agent Office will appoint a Lead Agent HIPAA PO.

Roles and Responsibilities: PO will perform functions to implement the HIPAA regulation within the Office of the Lead Agent.

- Establish an interdisciplinary HIPAA Privacy implementation team.
- Flowchart internal/external individually identifiable health information.
- Use the web based TMA HIPAA compliance tool to perform map and gap analyses.
- Ensure Lead Agent Office policies and procedures comply with the DoD Health Information Privacy regulation by the April 14, 2003 compliance date.
- Identify users of protected health information within the organization and the appropriate access level for each user type.
- Ensure all staff complete initial HIPAA training using the web based TMA HIPAA training tool.
- Provide an orientation and follow-on training to all employees
- Initiate, facilitate and promote activities to foster information privacy awareness within the organization and related entities.
- Establish a mechanism within the organization for receiving, documenting, tracking, investigating, and taking action on all complaints concerning the organization's privacy policies and procedures.
- Brief HIPAA implementation plan to staff.

The PO will serve as a liaison.

- Serve as a liaison between the managed care support contractors and military treatment facilities on issues related to HIPAA Privacy implementation.
- Interface with the managed care support contractors to review non-routine disclosures, review risk assessments, receive copies of amendment response extensions. Receive and review all access to patient records requests that are denied and the names of individuals who file complaints.
- Serve as privacy liaison for users of clinical and administrative systems.

The PO will serve as an administrator of the MHS Privacy Program.

- Serve as a point of contact for the Office of Lead Agent HIPAA Privacy rule compliance concerns, issues and policy questions when as needed.
- Maintain current knowledge of all applicable state, DoD and federal requirements with regard to the privacy of health information.
- Participate as a member of the Medical Information Security Readiness Team and perform risk assessments using Operational Critical Threat, Asset and Vulnerability Evaluation Tool. Work closely with the Security Officer to ensure coordination of privacy and security efforts within the activity.
- Collaborate with other healthcare professionals to ensure appropriate security measures are in place to safeguard protected health information.
- Serve as the advocate for the patient relating to the confidentiality and privacy of health information.

Seek legal guidance in the analysis of complex issues relating to the privacy protection and security of health information and provide direction for decisions requiring subjective determinations, such as the minimum health information that is necessary to accomplish a task.

- Conduct meetings with managed care support contractors to ensure that information sharing and dissemination is consistent and in conformity with policy.
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